

**DECLARATION FOR UTILITY PATENT APPLICATION**

Attorney Docket No. : 210121.427C18

First Named Inventor : Jiangchun Xu

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below under my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**COMPOSITIONS AND METHODS FOR THE THERAPY  
AND DIAGNOSIS OF PROSTATE CANCER**

which is described and claimed in the specification and claims of continuation-in-part (C-I-P) Patent Application No. 09/651,236, as filed in the United States Patent and Trademark Office on August 29, 2000 ("this application") for which a patent is sought. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under 35 U.S.C. § 365(c) of any PCT international application(s) designating the United States of America, as listed below ("the parent applications") and insofar as the subject matter of each of the claims of this application is not disclosed in at least one of the below-listed United States or PCT International parent applications in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge my duty to disclose information of which I am aware which is material to the patentability of this application in accordance with 37 C.F.R. § 1.56, including material information which became available between the filing date of any of the below-listed parent applications and the national or PCT International filing date of this (C-I-P) application.

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U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number	Attorney Docket Number
09/636,215	8/9/00		210121.427C17
09/605,783	6/27/00		210121.427C16
09/593,793	06/13/00		210121.427C15
09/570,737	05/12/00		210121.427C14
09/568,100	05/09/00		210121.427C13
09/536,857	03/27/00		210121.427C12
09/483,672	01/14/00		210121.427C11
09/443,686	11/18/99		210121.427C10
09/439,313	11/12/99		210121.427C9
PCT/US99/15838	7/14/99		210121.42701PC
09/352,616	07/13/99		210121.427C8
09/288,946	04/09/99		210121.427C7
09/232,149	01/15/99		210121.427C6
09/159,812	09/23/98		210121.427C5
09/115,453	07/14/98		210121.427C4
PCT/US /98/03492	2/25/98		210121.427PC
09/030,607	02/25/98		210121.427C3
09/020,956	02/09/98		210121.427C2
08/904,804	08/01/97		210121.427C1
08/806,099	02/25/97		210121.427

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United

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States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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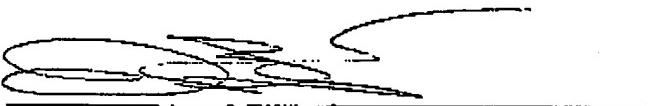
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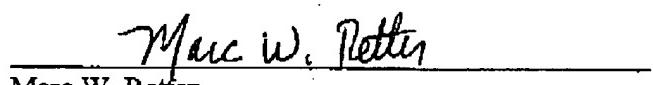
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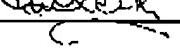
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Application/Control Number: 09/651,236

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Art Unit: 1634

## COPY

### DETAILED ACTION

Please note that the art unit designation for the examiner has changed from 1655 to 1634.

#### *Election/Restriction*

1. Applicant's election without traverse of Group I, claims 4-10, 16, and 58-60, SEQ ID NO 107, in Paper No. 9 is acknowledged. Claims 1-3, 11-15, 17-57, 61, and 63 (it is noted that the specification is missing claim 62) have been withdrawn from consideration as being drawn to non elected subject matter. An action on the merits of claims 4-10, 16, and 58-60 follows.

Please note, with regard to claim 1, as claim 16 is dependent on polypeptide sequences of claim 1, claim 1 will be considered for purposes of 35 USC 112/first and second paragraph rejections as they apply to claim 16. Applicants should amend claim 16, however, to incorporate the appropriate subject matter of claim 1 and to reflect the election of the specific sequence of SEQ ID NO 107.

#### *Priority*

2. Applicant's claim for priority under 35 USC 120 and 35 USC 365© is acknowledged. The claims have been awarded the benefit of the filing date of 2/9/1998 as the subject matter in claims 4-10, 16, and 58-60 of the present application (SEQ ID NO 107) was disclosed in application 09/020,956 filed 2/9/1998. With regard to applicant's claim for priority to applications 08/904,804 filed 8/1/1997, and 09/806,099 filed 2/25/1997, the claims have not been awarded the benefit of either filing date as the subject matter disclosed in the present claims was not taught in either the '956 or the '804 applications.